

# CANVASSING



# KANSAS

AN UPDATE ON ELECTION NEWS IN KANSAS

## *Redistricting will affect elections in 2002*

The once-a-decade redistricting process will have a major effect on the administration of elections in 2002. It will change some deadlines, shorten the time allowed for some tasks, and make compliance with certain statutory requirements extremely difficult, if not impossible. The job of all election officers, state and county, is to plan ahead, be ready to act whenever information becomes available, and work very quickly to accomplish required tasks in the reduced time available.

Three of the general areas of election administration that will be affected by redistricting are candidate filing, ballot preparation and distribution, and voter registration file maintenance.

Although the effects of redistricting will be felt throughout the 2002 election process, it is the primary election season that will be most affected because it occurs earlier in the year than the general election.

In Kansas, the redistricting process is done by the Legislature, with an automatic review by the Kansas Supreme Court of all districts except U.S. House districts. It is possible that the process will be completed early in the legislative session, but most likely it

will not be completed until at least the first of May.

### **Candidate Filing Deadlines**

The offices whose districts will be redrawn are: U.S. House of Representatives, Kansas House of Representatives, Kansas Senate, and Kansas State Board of Education.

For all other offices to be elected in 2002, the candidate filing deadline for partisan candidates remains noon on June 10, as is true in normal election years.

For offices affected by redistricting, listed above, the partisan candidate filing deadline is moved to noon on June 24 *if the new districts are finalized before June 11.*

The filing deadline is noon on July 12 if the new districts are finalized on or after June 11.

The filing deadline for independent candidates' petitions remains at noon on the day before the August 6 primary election.

### **Candidate Petition Requirements**

With the changing of the candidate filing deadlines, prospective candidates have less time to familiarize themselves with their new districts, decide whether to run for office, and circulate peti-

tions (if they choose to file by petition rather than by fee). Because of the short time frame, the law reduces the petition requirements for those offices affected by redistricting.

If new districts are finalized on or before May 10, the petition requirement is 1% of the total current voter registrations affiliated with the party in the district.

If new districts are finalized after May 10, the petition requirements are as follows:

- ✓ **U.S. Representative**  
1,000 registered voters
- ✓ **Kansas Senator**  
75 registered voters
- ✓ **Kansas Representative**  
25 registered voters
- ✓ **State Board of Education**  
300 registered voters

Petition requirements for independent candidates do not change

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## FVAP implements online ballot application

The Federal Voting Assistance Program (FVAP), which oversees federal services voting, announced in October that they had implemented an online version of the Federal Post Card Application form (FPCA). Federal services voting includes military personnel and their dependents and civilians living overseas, all of whom qualify to vote under the Uniformed and Overseas Citizens Absentee Voting Act.

The new online FPCA form, called the OFPCA for Online Federal Post Card Application, is a fillable form. Individuals may access the form on the FVAP's Internet Web site at [www.fvap.ncr.gov](http://www.fvap.ncr.gov), type in the necessary information, print it, sign and date it, and mail it in an envelope to the local election official.

The form is only *fillable*; at present it may not be electronically

transmitted because it requires a signature. Like many online forms, the OFPCA is viewed using Adobe Acrobat software. If desired, the blank form may be printed and all the information written in by hand. The FVAP cautions voters wishing to use the OFPCA that they must affix postage to the envelope when they mail in the completed form. This is different from the regular card-stock FPCA, which is postage paid.

The FVAP is offering the OFPCA as a convenient and time-saving alternative to encourage federal services voters to vote.

Only six states and four territories of the United States cannot accept the OFPCA now. Kansas does accept them, so county election officers should be prepared if they begin to receive federal services ballot applications in the new paper format.

## MEOC reviews election laws and procedures

As this newsletter goes to press, the 2001 Midwest Election Officials Conference is under way. We will report next time on the results of the conference.

One of the major themes of this year's conference centers around the state of affairs in the election world in the wake of the 2000 election. After the extremely close presidential race between George W. Bush and Al Gore and the focus of international attention on Florida's election procedures, everyone has become aware of the need for consistency in procedures, equal application of laws among

local jurisdictions, equal protection of the law in terms of counting votes, and clear standards on what constitutes a vote.

Many election officials, including Kansas officials, are acting independently to address these needs as they occur in their respective states. Addressing the needs may result in new laws, new written procedures and, hopefully, better training of election officials and better education of voters. There is also a need to familiarize everyone with the latest technology and how it may benefit us. MEOC 2001 is one step being taken in that direction.

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## RON THORNBURGH

### Kansas Secretary of State

Dear Friends:

As president of the National Association of Secretaries of State, I have had an unprecedented opportunity to be at the forefront of discussions and negotiations on federal election reform. After working on this issue for the past year, we are beginning to see our work pay off.

Congress is now showing that it is serious about election reform. Congressmen Bob Ney (R-OH) and Steny Hoyer (D-MD), the top Republican and Democrat on the committee with jurisdiction over federal election reform, recently introduced the "Help America Vote Act of 2001." This bipartisan legislation is now supported by more than 125 House Members, and the list continues to grow. The National Association of Secretaries of State has also issued a strong endorsement for this bill.

The Help America Vote Act is a mix of federal assistance to states and basic election standards. In order for states to receive federal assistance, the bill would require states to adopt a statewide voter registration system linked to local jurisdictions, in-precinct provisional voting, a system for maintaining the accuracy of voter registration records, and assurances that voters will be able to correct voting errors.

In addition, states must also adopt safeguards to ensure that overseas and military voters have their votes counted and that uniform standards defining what constitutes a vote on the different types of voting equipment be adopted. This bill authorizes \$2.65 billion for federal election reform, including \$400 million to replace unreliable punch-card voting systems. The remaining \$2.25 billion will be available to help states maintain accurate lists of eligible voters, improve equipment, recruit and train poll workers, improve access for disabled voters, and educate voters about their rights.

This bipartisan legislation is not perfect; no bill is. However, it is a bipartisan bill with strong support on both sides of the aisle, and will shore up the integrity of our electoral process, improve voter participation, and renew public confidence in this most cherished democratic right.

For millions of Americans, last year's top news story may seem far away, particularly in light of the unprecedented terrorist attacks on September 11. But for those of us who are responsible for overseeing elections, it will always seem like yesterday. And with Election Day 2002 just around the corner, we are determined never to repeat it.

Have a happy holiday season!

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Thornburgh".

RON THORNBURGH  
Secretary of State

## Ney-Hoyer bill gains momentum

### *Thornburgh assists in drafting new legislation*

It has now been more than a year since the election of 2000. In those 13 months, many task forces, commissions, and study panels have reviewed the problems and issues arising from the 2000 election and issued many reports and recommendations on what should be done to correct the so-called "Florida problem." (See *Canvassing Kansas*, September 2001, page 1.)

Many of the recommendations call for federal legislation to improve election procedures nationwide and to prevent a recurrence of the 2000 experience. Many bills have been introduced in Congress, each with its own list of reform measures, but most of them containing similar broad themes.

Earlier this year the bill receiving the most attention was SB 565, the so-called Dodd Bill, named after its principal sponsor, Sen. Christopher Dodd (D-Connecticut).

Interest in election reform cooled for several months as Congress and the nation became focused on terrorism and the slumping economy. Recently, however, a renewed interest in election reform has come about with the realization that if something is not done soon, the chance to act might pass. Also, action must come soon in order to have reforms in place for the 2004 elections. In all likelihood it is already too late for meaningful reform for 2002.

With renewed interest in the passage of federal legislation, members of the U.S. House of Representatives crafted a bipartisan bill, seeking sponsorship on both sides of the aisle to increase the bill's chance of passage. The result,

HR 3295, was written mostly by Rep. Robert Ney (R-Ohio) and Rep. Steny Hoyer (D-Maryland), and is officially titled the "Help America Vote Act of 2001."

Kansas Secretary of State Ron Thornburgh, who is also serving a one-year term as president of the National Association of Secretaries of State, had an unusual opportunity to assist in drafting the legislation. Thornburgh made two trips to Washington, D.C., in November to meet with Congressman Ney and others to tell them what provisions election officials would like to see included in the bill. Development of bipartisan legislation requires compromise, so no interested group will get everything it wants in the bill, but HR 3295 appears to be the current favored vehicle for federal election reform, and Secretary Thornburgh believes it is the best bill currently under consideration for improving elections and recognizing the interests of election officials.

Here is a summary of HR 3295:

- ✓ It creates a new federal agency called the Election Assistance Commission to oversee elections nationwide, provide assistance to states and localities, and adopt procedures for certification of voting equipment.

- ✓ It provides a special postage rate of 50% of first class postage for official election mailings.
- ✓ It creates a Help America Vote Foundation and College Program to encourage college students to volunteer as election board workers.
- ✓ It provides federal funding:
  - (a) \$400 million to buy out all punch card voting systems at the rate of \$6,000 per precinct,

(b) \$2.25 billion in election fund payments to states, with possible additional future annual appropriations, for programs in voter outreach, upgrades of voting equipment, maintaining accurate voter lists, election board worker recruitment and training, and ensuring voting access for disabled persons. Generally, federal funds appropriated each year will be on a matching funds basis: 75% federal funds and 25% state or local funds.

✓ It establishes seven minimum standards for state election systems:

1. Voter registration systems linking state offices to counties.
2. Improving accuracy of voter registration systems.
3. Allowing voters the option of provisional voting.
4. Adopting standards for what constitutes a vote.
5. Ensuring that all valid military and overseas ballots are counted.
6. Ensuring that all new voting systems allow easy voting by disabled persons.
7. Ensuring that all new voting systems provide for voter notification of errors, giving voters an opportunity to correct errors before casting their ballots.

Although each bill is different, many of the bills contain some of the same themes as are found in the Ney-Hoyer bill. The Ney-Hoyer legislation is new, and it is far from passing, but it is the bill with the most momentum at the present time due to the bipartisan support it has received. Secretary of State Ron Thornburgh will monitor the bill as it is debated in Congress and will report developments to all Kansas county election officers.

## Johnson County considers receipts at DMV offices

In an attempt to address a problem that has become increasingly prevalent in recent years, Johnson County Election Commissioner Connie Schmidt is developing a partnership program where the motor vehicle offices in the county would agree to issue receipts to individuals who register to vote while applying for or renewing their driver's licenses.

The program is designed to alleviate the problem that occurs when voters appear at their polling places on election day claiming to have registered at a DMV office and their names are not on the poll book. This is a problem that occurs in many areas of the state, and in the 2000 election the problem was reported in many areas nationwide. Often the problem is caused by voter registration applications not being forwarded from the DMV offices to the election offices before the registration deadline. There have been reports of some applications not being forwarded at all. Of course, in some instances an error occurs in the election office, or sometimes it is discovered that the person did not actually complete an application. Sometimes individuals remember completing a change of address form and mistakenly think it was a voter registration application.

These problems have arisen since the implementation of the National Voter Registration Act. In Kansas, DMV offices began offering voter registration in 1994 after passage of the limited state motor-voter law. The full NVRA implementation then occurred in 1996. Before the advent of motor-voter, DMV offices had not been voter registration sites.

The Johnson County election office is asking the local DMV offices to agree to issue receipts to

persons who register to vote. If the registrant then shows up on election day but his/her name is not on the poll book, the registrant can show the receipt as proof of registration. In such cases the person should be issued a provisional ballot.

According to the Federal Election Commission, the NVRA allows, but does not require, the issuing of receipts at DMV offices. It is also permissible to make agreements with other voter registration sites to issue receipts, although election officers are not authorized to require it. The NVRA prohibits disclosure of the location of the office where a person registers if they registered at a public assistance office or a disabilities office, so it is not permissible to issue different-colored receipts at those offices or to identify them in any way. It is permissible, however, to keep track of various DMV offices by using different colored receipts.

The issuing of receipts would in many cases accomplish the same goal as declination forms in non-DMV voter registration offices. The NVRA requires public assistance offices, disabilities offices and other NVRA-mandated voter registration sites to have individuals who decline to register to vote to sign declination forms, which the offices maintain for two years. The purpose of the declination forms is to provide proof that the person declined to register if the person goes to the polling place on election day claiming to have registered. Declination forms are not required at DMV offices.

The receipts issued at DMV offices can serve as proof of registration, just as declination forms serve as proof of the person's having declined to register.

## New Chase County Clerk

Nadine Buell was recently appointed Chase County clerk. She replaces Sharon Pittman who resigned to become the Morris County appraiser. Nadine had been the deputy clerk since January.

Prior to working as the deputy clerk, she worked in county government for the county appraiser's office. Nadine brings experience to the clerk's office and we welcome her as a newly appointed county clerk!

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because their filing deadline did not change, so their petition circulation period is the same as usual.

**Ballot Preparation**

Ballot preparation time for the primary election will be reduced. If the candidate filing deadline for Congress, state legislature and state board of education is June 24, county election officers will not have the certified candidate lists for national and state offices until early July. That leaves very little time for ballot preparation before the beginning of advance voting July 17.

If the candidate filing deadline is moved to July 12 for the offices affected by redistricting, it will be nearly impossible to have ballots ready for advance voting. The deadline for mailing federal service ballots is June 21 for the August primary. Needless to say, either the June 24 or July 12 candidate filing deadline will make meeting this deadline impossible. County election officers will need to be ready to act as soon as they have their candidate lists and do their best to put the correct ballots in the hands of all voters who apply for them as soon as possible.

**Voter Registration**

Another task related to redistricting is the reassignment of registered voters to the new congressional, legislative, and state board of education districts. When the new districts are finalized, the precincts that are moved from one district to another in the process of redistricting must be reassigned and the registered voters in those precincts moved. This must be done before

the election to ensure that those voters receive the correct ballots.

Keep in mind that the redistricting plan will identify precincts by their VTD (vote tabulation district) code numbers. In most cases the VTDs are the same as the precincts, but not always. VTD is a U.S. Census Bureau term, and the VTD code numbers' equivalency to locally-designated precincts must always be kept in mind when dealing with census and redistricting issues.

When the voters in the affected precincts have been reassigned in the county voter registration database, that data must be reported to the Secretary of State for the July 1 and October 1 CVR (central voter registration) file. Also, the new assignments will be used when county election officers certify their voter registration and party affiliation by precinct at the close of registration before the primary and general elections.

**Reporting Election Results**

The Secretary of State's office will make a series of adaptations to accommodate the changes brought about by redistricting. The election night tabulation program will be adapted to account for the reassignment of precincts in the new districts. The election night tabulation program is the one used on primary and general election nights to receive results reported by county election officers.

Also, the forms used for the certification of voter registration and party affiliation before the

primary and general elections will be reformatted to show the precincts according to the new districts.

Finally, the blank official abstracts for national and state offices will be redesigned to show the new districts. These abstracts are customized by county and sent to all county election officers for their use in certifying the election results after each election.

Election years are always busy times, and the 2002 election year, particularly the primary season, will be especially hectic as election officers adapt procedures to keep all the candidates and voters in the proper districts. We must all plan ahead, work quickly, and be prepared to adapt to changes as they arise.

## Holiday Office Hours

The Secretary of State's office will be **closed** for the Christmas holiday on **Monday, December 24th** and **Tuesday, December 25th** and for New Year's Day on **Tuesday, January 1st, 2002**.

In addition, our office will be closed **Monday, January 21st**, for Martin Luther King, Jr.'s birthday.

**Happy Holidays!**

# KAC convention discusses election-related topics

The Kansas Association of Counties held its 26th fall conference November 18 - 20, 2001, at the Hyatt Regency Hotel in Wichita. The theme of this year's conference was "Odyssey to Excellence." Two sessions on Monday, November 19 were designed especially to discuss election-related topics. On Monday morning, a 90-minute block of time was set aside for six concurrent educational sessions. Conference attendees chose which to attend.

One of the sessions, titled "Federal Election Reform and What It Means for Your County," was designed with county commissioners and county election officers in mind. The program, developed by Miami County Clerk Kathy Peckman, Johnson County Election Commissioner Connie Schmidt and others, included a skit designed to highlight differences in the way various counties canvass provisional and challenged ballots. The audience was divided into groups of "canvassers," and each group was given an identical set of questionable ballots with the instructions to decide which ballots should count and which should not, then to produce a set of vote totals. The results demonstrated that canvassing boards in different counties can often legally come to different conclusions given similar circumstances because laws and regulations sometimes do not answer all the questions.

At the conclusion of the canvass-

ing exercise, Connie Schmidt discussed the issues arising from the 2000 election and ways they may be addressed in various states and counties. Brad Bryant, election director in the Secretary of State's office, summarized current legislative efforts in Congress to address the issues from 2000. He offered details of H.R. 3295, called the Help America Vote Act of 2001. (See article on page 4 in this newsletter.) Bryant also briefly discussed efforts already underway in Kansas to address 2000 election issues.

In the afternoon, the county clerks met in a breakout session. During the last 45 minutes, the clerks were joined by the four election commissioners for a session on election issues presented by members of the Secretary of State's office.

Secretary of State Ron Thornburgh led the session with a discussion of federal legislative efforts and efforts he is leading to improve elections in Kansas. Among those efforts are: (1) the Midwest Election Officials Conference, designed to improve election officials' training in election procedures and knowledge of current technology, (2) the development of the Kansas Election Standards, and (3) participation in the drafting of and lobbying for meaningful federal legislation to help address the problems.

Brad Bryant followed Thornburgh's remarks with a discussion of the process used in

developing the Kansas Election Standards. Draft copies of the standards were distributed to all election officers in attendance. Bryant explained that the Secretary of State's office will collect comments and suggestions during the next five months as county election officers review the standards, then the final edition will be revised for distribution at the spring conference of the Kansas County Clerks and Election Officials Association to be held in May 2002. The standards would thus be in effect for the 2002 election season. Bryant explained that the standards are intended as a general guide for new county election officers, a guide for experienced election officers experiencing certain situations for the first time, and a set of standards for what constitutes a vote, including specific rules for counting provisional ballots, write-in votes, reviewing petitions, and other election-related procedures.

At the conclusion of the session, Secretary Thornburgh swore in new officers for the coming year. New officers are: President, Dorothy Stites, Stafford County Clerk; Vice President, Rich Vargo, Riley County Clerk; Secretary, Linda McDowell, Phillips County Clerk; and Treasurer, Rebecca Bossemeyer, Geary County Clerk. Outgoing KCCEOA president Mary Gilmore, Morton County Clerk, received a plaque and many expressions of appreciation from her colleagues.



# Kansas CHARITY CHECK

## THORNBURGH, STOVALL, HUBBELL LAUNCH KANSAS CHARITY CHECK WEB SITE

Secretary of State Ron Thornburgh, Attorney General Carla Stovall, and Secretary of Aging Connie Hubbell have partnered to launch Kansas Charity Check, a Web site designed to promote and encourage informed decisions when contributing to a charitable organization.

Visit the website at [www.KsCharityCheck.org](http://www.KsCharityCheck.org) or call (785) 296-4564 to find information on the following:

- ✓ Charitable organizations registered in Kansas
- ✓ Money raised by the charitable organization;
- ✓ Percentage of money spent by the charitable organization for fund raising expenses
- ✓ Percentage of money committed to the charitable organization
- ✓ Consumer advice on charitable giving
- ✓ Your rights as a consumer
- ✓ Kansas Charitable Organization and Solicitation Act

Kansas law requires charitable organizations, and the professional fund-raiser and solicitors who work for them, to register with the Kansas Secretary of State. The registration provides public information regarding operations, solicitation costs, and the net amount donated to the charitable purpose.

“While most charitable solicitations are valid, all too often only a fraction of the money donated ends up in the hands of the charity,” said Ron Thornburgh, Secretary of State.

“The Kansas Charity Check Web site will provide Kansas seniors with an easily accessible means in which to research solicitations by charitable organizations,” said Connie Hubbell, Secretary on Aging. “This service will be extremely beneficial as seniors are solicited during the upcoming holiday season.”

“Each year, my office receives hundreds of inquiries about charitable solicitations,” said Carla Stovall, Attorney General. “Unfortunately, some groups and individuals unconscionably take advantage of the giving nature of Kansas residents. This web site can be a first step in helping anyone who wants more information on how particular charities spend the resources that are entrusted to them.”

***[www.KsCharityCheck.org](http://www.KsCharityCheck.org)***